



Lamoine Board of Selectmen

Draft

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Minutes – November 7, 2019

Chair Robert Christie called the meeting to order at 7:15 PM following the special town meeting.

Present were: Selectmen S. Josephine Cooper, Robert Christie, Kathleen Rybarz, Nathan Mason, Gary McFarland; Administrative Assistant Stu Marckoon, Cynthia & Gordon Donaldson, Ken & Susan Farkas, John Hold, Donald Bamman, Michael Jordan, Fred Stocking, Brett Jones and Lisa Matthew.

Stu said Mrs. Farkas had suggested that folks introduce themselves, as she didn't know anyone as they are relatively new to town. Introductions were made.

Agenda Review – Jo asked if the Lamoine 150! Item could be moved closer to the top of the agenda to accommodate the Donaldsons. There was no objection.

Minutes – October 17, 2019 – Nathan moved to approve the minutes as presented. Gary 2nd. **Vote in favor was 5-0.**

Expenditure Warrant 11 – Selectmen signed warrant 11 in the amount of \$98,043.82. Stu remarked that for a 3-page warrant with two municipal payrolls, it was relatively small.

Cash & Budget Reports – Stu noted that investment interest income is very strong.

Checking Account Reconciliation – Selectmen signed the statement expressing satisfaction with their review of the checking account reconciliation for October 2019 which had been e-mailed prior to the meeting.

Comprehensive Plan / Funding – Comprehensive Planning Committee Chair Fred Stocking reported the project is near the end. He said the State of Maine has approved, and he has received the digital copy of the plan from the consultant. He said while he doesn't think another public hearing is required he would like to have one and the final approval would go on the Town Meeting warrant for March 2020. He said the committee ran out of funding last year but that \$1,000 was encumbered at the end of June for final consulting and printing costs. Stu confirmed that was the case. The Board of Selectmen thanked Fred and the committee for their hard work over the past few years.

Foreclosed Property – Stu reported he spoke with the man living in the property on which an installment agreement is behind and was told that he could expect a payment soon, but it has yet to materialize. He said he believed the occupant was ill.

Lamoine 150! – Jo said the celebration is now in its 3rd month. She said the next version of Celebrating Our Story is next Wednesday night at the school. She said the committee is now focusing on the ending celebration.

Cynthia Donaldson invited the Selectmen to attend the event at the school next Wednesday. She said a whole batch of events has been organized. Gordon Donaldson said the goal is to have an event each month to focus on the town's history. He said the first was a couple of weeks ago, and the focus on next Wednesday is who lived here before the Europeans arrived. He said there is a calendar of events posted. He said they hope to have a town meeting supper and a re-enactment of the first town meeting. He said the goal is to have fun and to learn the history of the town. He said public notification is the biggest challenge.

Mrs. Donaldson said there is an upcoming cribbage night, and August will be the big "too doo", including a parade, fireworks, a supper, and burying a time capsule. That weekend will be August 14-16, 2020.

Jo modeled a hat which is selling well with proceeds to benefit the little kids' playground. There was a brief discussion about the "swag". She said the committee needs more help.

Mr. Donaldson said the big kickoff was on October 5th and they had more volunteers than crowd. Bob asked what time the committee meets on November 14th. Mrs. Donaldson said 4:00 PM. Bob said he was interested in the archaeology talk next Wednesday, and noted that Maine Coast Heritage Trust will be assuming ownership of a piece of land where shell heaps are located that will be protected.

Jo said she hopes the celebration is a shining example to other towns. Mrs. Donaldson said the next batch of post cards will be coming out soon. Bob noted that Lamoine Community Arts recently performed The Odd Couple and that was great.

Jo asked about the bell in the town hall. Stu said no one has suggested a contractor for that project yet. He said the cupola really needs to be fixed. A brief discussion followed.

Employee Contact List – Bob said the list that was placed in the Selectmen packets looked good. Stu said it has some employee personal numbers that are not on the town website. Kathleen said she'd requested a list after seeing that the Planning Board meeting in October was not televised and she couldn't get hold of Stu or Justin because she didn't have numbers.

Solar Project – Stu reported he spoke with Dan Pileggi who said he would be glad to represent the town in the solar project matter. Nathan moved to approve use of the town attorney for the project. Gary 2nd. **Vote in favor was 5-0.**

Bob asked that the results of the town meeting be sent to Sunpower Corporation. Stu said he would do it as soon as the meeting adjourned. Michael Jordan said the company is filling out an application for a federal subsidy.

Moldawer v. CEO – Appeals Board – Stu reported the Board of Appeals has decided on the matter and the motion was contained in the meeting minutes that remanded the

decision on building height back to the Code Enforcement Officer. Mr. Jordan and Brett Jones clarified that no direction was given to the CEO on what to do. Bob said any surveyor should be able to measure the height. Mr. Jones said he would recommend using a professional.

Stu said there was a letter from Mr. Moldawer that came in earlier in the day. Ken Farkas noted that Steve Salsbury had prepared a plan of some sort with the original building grades on it.

Jo noted that the board received some thoughts from the Code Enforcement Officer, and there has been concern from other parties. Nathan moved to meet with the CEO on the matter and asked who is going to pay for a professional to measure the building height. Jo said there is no clear question from the CEO for the board to answer. Gary said he would favor hiring a professional. Jo asked who would pay. She said a meeting with the CEO would be preferred. Gary 2nd.

Mr. Jordan said 90% of Code Enforcement Officers will not measure projects. He said if there is a question on measurement, the CEO will ask the homeowner to provide figures, and if there is some question to hire a profession. He said the CEO should ask the Trues to provide documentation. Nathan said the measurement needs to be done.

Vote in favor was 5-0.

Carol Mason asked why this matter has gone on for several months, and why the Code Enforcement Officer was not present tonight. She said the meeting with the CEO should be a public meeting. Jo said it will be at a public meeting.

Other Code Enforcement Matters – Kathleen noted that the CEO has written to the Selectmen in regard to a notice of violation in Bar Harbor Highlands. Stu said there was no response the violation notice. Kathleen moved to authorize use of the Town Attorney by the CEO on the matter on Cove Road. Nathan 2nd. Ms. Mason questioned why the town would use the attorney. Kathleen explained that the matter has gone to the next level. **Vote in favor was 5-0.**

Stu said the CEO has suggested imposing a double application fee on gravel pit owners whose permits have expired but are before the Planning Board for new permits. He said the owners of the expired pit applied before the permits expired. Kathleen asked if the town is responsible should an accident happen in a gravel pit that was being worked. Stu said the town would have no responsibility.

Transfer Station Design – Stu reported that Jo had sent suggestions in advance of meeting with CES, and Ken Smith had sent a sketch. He said the meeting is tomorrow at 10:30 AM at the town office. Stu said his goal is to make sure traffic flow will easily accommodate the demand. A brief discussion followed.

Request from Planning Board to utilize town attorney – Stu reported the town received a lawsuit from Harold MacQuinn, Inc. which makes reference to some of the matters in the Planning Board's request. Planning Board Chair John Holt said the

Selectmen read the memo from the Planning Board regarding the no trespass order that MacQuinn imposed upon him. He said as a private citizen and as a representative of the Cold Spring Water Company he has no issue with this, but as a Planning Board member he has questions about the effect a no trespass order has on the Planning Board. He said the no trespass order gives him, as a Planning Board member, very limited access to the pits. He said in the past, the Planning Board has authorized him to accompany the Code Enforcement Officer on inspections of gravel pits. He asked how that duty bumps into the no trespass order and the board wished to run that by the town attorney. Nathan said he thinks it's a viable question.

Brett Jones said the CEO makes regular visits to the gravel pits and the Planning Board walks the pits at permitting time. He said the CEO has the right under ordinance to visit, but the Planning Board responsibilities differ. He said he didn't think it was wise to spend public money on what appears to be a private matter. Bob said he was interested in what the answer might be. Nathan said any future planning board members could also be excluded from visiting the pits.

Michael Jordan asked why a Planning Board member would accompany the CEO on pit inspections. Jo said she would like to get it resolved instead of quibbling over money. She said it's a fair question and she would rather resolve the issue. Mr. Jones asked what the roles of the Planning Board Chair and members are in regard to pit inspections.

Jo said potentially this might be a question for Maine Municipal Association Legal. Stu said he has a concern about doing anything with this matter until such time as the previously mentioned lawsuit is run before legal counsel. He said he has contacted Maine Municipal Risk Management on the lawsuit, as it may be covered under the town's Public Officials Liability policy. Bob asked that this be placed on the agenda for the next meeting. No further action was taken.

Fiscal Agent Contract Cancellation – Stu reported that the Hancock County Soil & Water Conservation District has decided not to pursue the grant to study the Jordan River at this time, and the contract to act as their fiscal agent needs to be canceled. Nathan so moved, Gary 2nd. **Vote in favor was 5-0, Bob signed the encumbrance cancellation.**

Vacation – Administrative Assistant – Stu said he would like to take the week of Thanksgiving off, as well as December 20th. There was no objection.

Invitation from Hancock Board of Selectmen – Stu recounted an e-mail received earlier in the day from the Town of Hancock inviting the Selectmen to meet with them regarding having an appointed road commissioner instead of an elected office. The meeting is on November 20, 2019. Jo said she would like to meet. Stu said he's available. Kathleen said she would also try to attend.

Budget 2020/21 – Stu reported that he prepared a draft administration budget that he presented to the Budget Committee the night before. Selectmen discussed the proposed budget and said they were OK with the proposal.

Other Matters – Stu reported that the town website server which failed on Tuesday is back up and running. He thanked Brett Jones who took care of the repairs.

Nathan praised the fire department for its work removing trees from the roads during two recent high wind events. A brief discussion followed.

Next meetings – Bob read the list of scheduled meetings from the agenda, the next being November 21, 2019 at 7:00 PM and subsequent meetings being the 1st and 3rd Thursdays of the month.

There being no further business, the meeting adjourned at 8:25 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen